IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 36637 of 2005(J)

PETITIONER:

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1. P.K. LALITHA W/O. K.K. RAJAN,
   AGED 38, KUNDOOR HOUSE, CHENGAMANAD VILLAGE,
   ALUVA TALUK.

2. K.K. RAJAN, S/O. KARUNAKARA PILLAI,
   AGED 43, KUNDOOR HOUSE, CHENGAMANADU VILLAGE,
   ALUVA TALUK.

3. RAGHUNATHAN, S/O. KARUNAKARA PILLAI
   AGED 48, PALLIKKARA HOUSE,
   ADOOR VILLAGE CHERTHALA TALUK.

BY ADV. SRI.P.SHAIJAN JOSEPH

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
   ERNAKULAM DISTRICT, COLLECTORATE, KAKKANAD.

2. REVENUE DIVISIONAL OFFICER,
   FORT KOCHI, ERNAKULAM DISTRICT.

3. VILLAGE OFFICER, PUTHENVELIKKARA VILLAGE
   PARAVUR TALUK.

4. THE SECRETARY, KUNNUKARA GRAMA
   PANCHAYAT, KUNNUKARA P.O.,
   NORTH PARAVUR TALUK.

5. GEOLOGIST, OFFICE OF MINING AND
   GEOLOGY, KAKKANAD, ERNAKULAM DISTRICT.

6. CHIEF ENVIRONMENTAL ENGINEER,
   KERALA STATE POLLUTION CONTROL BOARD,
   ERNAKULAM.

7. MUHAMMED, SUNITHA MANZIL,
ASHARIPPARAMBIL HOUSE, CHALAKKA KARA,
PUTHENVELIKKARA VILLAGE,
NORTH PARAVUR TALUK.

8. S.K. NOUSHAD, S/O. MUHAMMED,
ASHARIPPARAMBIL HOUSE, CHALAKKA KARA,
PUTHENVELIKKARA VILLAGE, NORTH PARAVUR TALUK.

9. SIYAD, S/O. MUHAMMED,
ASHARIPPARAMBIL HOUSE, CHALAKKA KARA,
PUTHENVILIKKARA VILLAGE,
NORTH PARAVUR TALUK.

BY ADV. SRI.K.A.JALEEL
SRI.T.T.MUHAMOOD
SRI.CHANDRAMOHANDAS, SC,POLU.C.
SRI.S.SHANAVAS KHAN
GOVERNMENT PLEADER SMT.K.R.DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.36637/2005

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1A: TRUE COPY OF POSSESSION CERTIFICATE ISSUED BY THE THIRD RESPONDENT TO THE FIRST PETITIONER.

EXT.P1B TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE THIRD RESPONDENT TO THE 2ND PETITIONER.

EXT.P1C : TRUE COPY OF THE TAX RECEIPT DT. 18.3.2005 ISSUED BY THE THIRD RESPONDENT TO THE THIRD PETITIONER.

EXT.P2 TRUE COPY OF THE BUILDING TAX RECEIPT DT. 22.1.2005 ISSUED BY THE 4TH RESPONDENT.

EXT.P3 : TRUE COPY OF THE SKETCH SHOWING THE PROPERTIES OF PETITIONERS RESPONDENTS 7 TO 9.

EXT.P4 TRUE COPY OF THE PHOTOGRAPH SHOWING THE QUARRY.

EXT.P5 TRUE COPY OF THE REPRESENTATION DT. 18.5.2005 SUBMITTED BY THE PETITIONERS BEFORE THE FIRST RESPONDENT.

EXT.P6 TRUE COPY OF THE REPRESENTATION DT. 18.5.2005 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT.

EXT.P7 TRUE COPY OF THE REPRESENTATION DT. 18.5.2005 SUBMITTED BY THE PETITIONERS BEFORE THE THIRD RESPONDENT.

EXT.P8 TRUE COPY OF THE FIR IN CRIME NO.238/05 OF CHENGAMANAD POLICE STATION.

EXT.P9 TRUE COPY OF THE PHOTOGRAPH SHOWING ILLEGAL QUARRYING IN THE PROPERTY OF RESPONDENTS 7 TO 9.

EXT.P10 TRUE COPY OF THE REPRESENTATION DT. 16.12.2005 SUBMITTED BY THE PETITIONERS TO THE FIRST RESPONDENT.

EXT.P11 TRUE COPY OF THE REPRESENTATIOND T. 26.12.2005 SUBMITTED BY THE PETITIONERS TO THE 2ND RESPONDENT.

EXT.P12 TRUE COPY OF THE REPRESENTATION DT. 26.12.2005 SUBMITTED BY THE PETITIONERS TO THE THIRD RESPONDENT.

EXT.P13 TRUE COPY OF REPRESENTATIOND T. 27.12.2005 SUBMITTED BY THE PETITIONERS TO THE 4TH RESPONDENT.

EXT.P14 TRUE COPY OF THE REPRESENTATION DT. 26.12.2005 SUBMITTED BY THE PETITIONERS TO THE 5TH RESPONDENT.

EXT.P15 TRUE COPY OF THE REPRESENTATION DT. 26.12.2005 SUBMITTED BY THE PETITIONERS TO THE 6TH RESPONDENT.

RESPONDENTS' EXHIBITS :

EXT.R7A TRUE COPY OF THE LOCATION SKETCH ISSUED BY THE VILLAGE OFFICER, PUTHENVELIKKARA TO BE PRODUCED BEFORE THE GEOLOGIST.

EXT.R7B TRUE COPY OF THE MINING PERMIT DT. 14.11.2005 ISSUED BY THE GEOLOGIST, DEPT. OF MINING AND GEOLOGY, ERNAKULAM.

EXT.R7C TRUE COPY OF THE DEALERS LICENCE DT. 8.8.2005 ISSUED TO THE 8TH RESPONDENT TO THE GEOLOGIST, DEPT. OF MING AND GEOLOGY, DIST. OFFICE, ERNAKULAM.

EXT.R7D TRUE COPY OF THE LICENCE DT. 27.8.2005 ISSUED TO THE 8TH RESPONDENT BY THE 4TH RESPONDENT.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.36637 of 2005

Dated 2nd April, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by the pollution caused by the quarry conducted by the respondents 7 to 9. In case they have still any grievance left, they may approach the Pollution Control Board, in which case, appropriate action in accordance with law in the matter with notice to the affected parties also will be taken expeditiously.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 2nd April, 2007.